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**Case # 2013-00102  
On-Duty**

**05-16-13**

**Subject: Summation**  
**To: Undersheriff D. Senterfitt**  
**From: Internal Affairs Unit / Detective D.L. Hughes**  
**Reference: Response to Resistance Incident**  
**Complainant: In-House**  
**Member: Police Officer J.S. Edwards #66790, M/W  
Patrol East / Zone Two**

On Wednesday, May 9, 2012, Police Officer J.S. Edwards #66790, was on-duty and working in full uniform, as a Zone 2 Patrol Officer. He observed traffic infractions and initiated a traffic stop. He announced the location of Arlington Rd. and Arlington Expressway and the vehicle tag number, at 2:13 am, in the D-2 subsector. The vehicle stopped in a parking area of a building at the intersection of the Arlington Expressway Service Road and Rogero Rd. At 2:14 am, Edwards announced that the situation was under control and he requested backup assistance.

During the traffic stop, Officer Edwards discharged his issued service weapon at the driver who Edwards believed was armed with an unknown weapon and was not responding to verbal commands.

On February 12, 2013, the Sheriff's Office Response to Resistance Board was convened and reviewed the listed case. The results were as follows:

Weapon Malfunction:	5 – 0, No
Intentional Act:	5 – 0, Yes
Within Written Directives:	4 – 1, No
In Accordance with Training:	5 – 0, No

Additional Issues:

5 – 0, Yes (including)

- Training
- Tactics
- Communication

The Response to Resistance Board results were submitted to Sheriff Rutherford as a recommendation for action. On March 8, 2013, upon review, Sheriff Rutherford concurred with the Response to Resistance Board's recommendation. On March 14, 2013, the case was referred to Internal Affairs.

Internal Affairs received a copy of Response to Resistance Hearing file 2012-16, including post hearing documents and a copy of Edwards' training record, a copy of the video recording of the hearing, and a copy of the audio recording of the hearing.

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**The following is a paraphrased account of Edwards' statement to the Response to Resistance Board:**

According to Edwards, on Wednesday, May 9, 2012, at 2:13 am, he was patrolling the area of Bert Rd. and Blackard Rd. He drove south on Bert Rd. and saw a silver Ford Taurus rapidly drive out of Arlingwood Apartments (1040 Bert Road) then travel south in the north lane of Bert Rd. Per Edwards this did not cause a hazardous situation, but looked suspicious. The vehicle turned west on Blackard Rd., where the driver, Davinian Williams, failed to stop at the stop sign at the intersection of Arlington Rd. The vehicle turned south on Arlington Rd., where Williams failed to stop completely for the red traffic signal at the intersection of the Arlington Expressway Service Rd. As the vehicle turned west on the Arlington Expressway Service Rd., Edwards initiated a traffic stop by radioing the vehicle tag number to the Communications Center and activating his emergency equipment. Williams immediately slowed, and then activated the car's right turn signal. Edwards expected Williams to pull over into one of the well-lit business driveways, but Williams continued driving slowly, approximately 900 yards before turning north on Rogero Rd., stopping in a vacant parking lot on the west side of 900 Rogero Rd. Edwards reasoned that either Williams was nervous and did not get

stopped by police often, he chose this location so he could flee, he was hiding something and trying to give himself more time, or he may have felt more comfortable there. Edwards' thoughts were based on his experience and given the totality of Williams' actions, Edwards was concerned for his safety, but not overwhelmingly.

Edwards exited his patrol vehicle, quietly closed his door, and began to approach Williams. Edwards saw Williams rocking from side to side in the driver's seat. Edwards said this was consistent with a person looking for their wallet, hiding drugs, or concealing something. Edwards radioed the Communications Center and requested a backup officer. He saw that Williams was the only occupant. Williams leaned forward with his right shoulder dipped forward as if he was reaching for something on the floorboard. Edwards figured this was consistent with a person trying to locate their wallet or trying to hide something under the seat. Edwards personally related to this action as he stows his wallet under the seat when wearing athletic clothes. Edwards was not overwhelmingly concerned about his safety and realized that possibly Williams did not know Edwards was standing there yet. But, Edwards believed there were too many unknown factors so he used a handheld flashlight to get Williams' attention. Edwards saw that Williams was still moving about the interior of the car.

Per Edwards, Williams created a situation that could cause Edwards to be concerned for his safety. Edwards' first verbal communication to Williams was bellowing out, "Show me your hands! Show me your hands!" Williams acknowledged by turning his head to the left and looking ("squinting") in the driver's side mirror. Edwards noted that he had used all available lighting to his advantage. Then Williams turned his head the other way and looked toward the passenger side. Edwards believed Williams was trying to find him, but could not. Edwards again shouted, "Show me your hands! Show me your hands!" Edwards saw the fingertips of Williams' left hand outside of the driver's door window frame. Edwards shouted, "Show me your hands, show me your hands!" a third time. He continued to assess the situation as he could not see Williams' right hand. Edwards' saw Williams' left hand go back inside the vehicle. Williams was leaned forward with his right shoulder dipped down. Edwards was surprised that Williams had not complied. Edwards remained positioned behind the

driver's side of Williams' vehicle and modified his commands. He directed Williams to, "Put your hands on top the steering wheel!" Edwards moved a short distance forward and leaned forward to get a better look. Williams was still in compliant, his head was turned down and he was actively looking on the floor for something. Edwards recalled from experience that if someone is just looking for a wallet when they hear commands for the first time to show their hands, the hands go up, on the steering wheel, or out the window. Edwards had never experienced anyone continue to evade and ignore him. Up to this point Williams has not fled and remained in the car so Edwards made the decision to relocate to the rear passenger side of Williams' vehicle to get a better view of what Williams was doing. Before moving, Edwards commanded, "Put your hands on top of the steering wheel!"

As Edwards moved between the front of his patrol vehicle and Williams' vehicle, Williams leaned back and sat upright. Edwards thought to himself that Williams was finally going to comply and whatever he was trying to hide he had it hidden under his seat. When Edwards reached the rear passenger side of Williams' vehicle, Williams still did not have his hands on the steering wheel. Instead, Williams' hands were hidden in his lap and Edwards could only see Williams' forearms. Williams was still doing something and was still in compliant. It was at this moment that Edwards' "awareness level" began to rise and made him think something else was happening. He became significantly alarmed for his safety. Edwards had never had anyone take this long to become compliant and he became overwhelmingly concerned that something was definitely wrong, believing that Williams' actions were more than looking for a wallet or hiding drugs.

Edwards determined that Williams purposely had his hands hidden and was actively looking in his mirrors to ascertain Edwards' position. This led Edwards to believe that Williams was retrieving a weapon to ambush him. Edwards stated that every part of him was "screaming out" that Williams had a gun and was going to kill him. Edwards said he deduced this from academy training and a "sense" that this was the pivotal point for him. He believed that there was a clear imminent threat against his life and that Williams had retrieved a weapon from the floorboard and was waiting to attack

and kill him. Edwards drew his issued handgun, looked over the handgun's sights, assessed his backstop and activated the handgun's tactical light. Edwards confirmed his assessment of Williams and determined he was in the same position. Edwards said to Williams "Grip the top of the steering wheel and do not let go." Williams turned his head and looked directly at Edwards' tactical light. Then Williams leaned forward slightly, turned to his left, and looked in the driver's side mirror. Edwards believed Williams was trying to figure out if there was only one officer. Edwards again commanded Williams to, "Grip the top of the steering wheel and do not let go." Williams did not grip the steering wheel; instead he leaned forward, took a quick glance at Edwards, and then turned his head back to the left. Williams leaned back slightly and Edwards saw Williams' left arm move from his lap to the door frame of the driver's open window, just above the interior door handle. Edwards believed that Williams put his hand in that position to open the door and engage Edwards with a weapon Williams retrieved from the floorboard. Edwards' perception was that a gun battle was about to ensue. Edwards thought that if Williams came out of the vehicle to engage him that Williams would have to move towards the back of the vehicle which would change Edwards' backstop, so he decided to relocate as quickly as possible to avoid this.

Edwards felt he had two options. The first was to retreat to the back of his patrol car and take cover. The second option was to walk back to the driver's side of Williams' car. Edwards felt that if he retreated he would be out in the open, walking backwards and his backstop would be Arlington Expressway. Edwards took the second option explaining that if Williams exited, he would not expect Edwards to be on the driver's side. Edwards again commanded Williams to place his hands on top of the steering wheel. Edwards wanted to give Williams another opportunity to comply and knew that there was at least one backup police officer coming. Edwards turned off his tactical flashlight and walked back to the driver's side, crossing between the front of his vehicle and the rear of Williams' vehicle. Edwards felt he had the element of surprise. Williams leaned upright in his seat and slid his hand back inside the vehicle. Edwards said, at that moment he thought "he's [Williams is] going for the door handle".... "here it comes," but the door did not open so Edwards moved forward to see if Williams was compliant

and doing what he was told to do. Edwards acquired his handgun sights and activated his tactical light. Then Edwards commanded Williams once again to place his hands on the steering wheel and to show his hands. Williams turned and looked directly at the tactical light, bladed his body towards Edwards, and lowered his shoulder. Edwards affirmed a good backstop. Then Williams made a sudden motion; he dipped down to the floorboard. Edwards believed at that point that Williams had committed to attacking him (Edwards) with a weapon he had on the floorboard. Edwards feared for his life so he fired at Williams. Edwards was confident that Williams was being struck by gunfire but Williams did not react until Edwards fired the seventh round. Williams leaned upright in the driver's seat. That was the first time Edwards saw both of Williams' hands and could verify that Williams did not have any weapons.

The Board asked Edwards if he ever thought to update his location. Edwards stated he recalled thinking that night that he was only a few hundred feet down the road from the intersection and felt that responding officers would see his flashing emergency lights. Edwards said that he typically does update his location; however, due to his focus on the driver and vehicle; he failed to update his location on this occasion.

The Board asked Edwards if he ever gave a polite greeting to the driver; if he ever identified himself; if he told the driver the reason for the stop, and if he asked the driver for his license and required paperwork. Edwards said that he did none of those things because the driver (Williams) never afforded him the opportunity to do or say them because Williams was moving around and being in compliant.

The Board asked Edwards how Williams' wallet and identification card came to be placed on the window sill of the driver's door of Williams' car. Edwards said that he did not know, but that he could speculate after reviewing all of the photographs and preparing for the Response to Resistance Board. Edwards said he did not see it occur, but thought that Williams most likely placed the wallet and identification card on the driver's door above the interior door handle when Edwards was on the passenger side and observed Williams put his hand on that location of the door. Edwards said he never saw the wallet in Williams' hand or on the door that night.

**Investigative Note: The supervisors and officers that testified at the Response to Resistance hearing denied placing the wallet on the driver's door window sill. Some were not aware of the wallet or its location.**

The Board asked Edwards to explain why Williams' last action of dipping down toward the floorboard, causing Edwards to fire his weapon, was different from the previous times that Williams made similar movements. Edwards said, "That was the first and only time he [Williams] quickly lunged for anything" and reiterated that he thought Williams was going to shoot him.

The Board asked Edwards if the thought of warning Williams that if he did not show his hands or comply, that Edwards would shoot him. Edwards said it never came to his mind to say he would shoot Williams because Edwards felt that he was clear and articulate in what he wanted Williams to do and Williams continued to be in compliant.

The Board asked Edwards why he did not take a position of cover/concealment and wait for his backup to arrive. Edwards reiterated that when he observed Williams put his hand on the door above the door handle, he thought that Williams was going to engage him with a gun and that retreating to his car for cover would leave him walking backwards and in the open. Edwards said it was more of a tactical advantage for him to move to the driver's side of Williams' car.

The Board asked Edwards if he ever considered updating his backup via the radio, that Williams was not complying, and request that he speed up his response. Edwards said that he was solely focused on Williams, his actions and noncompliance and therefore, he did not get on the radio.

The Board asked Edwards if he felt he put himself in jeopardy by returning to the driver's side of Williams' car, rather than relocating to the rear of his police car. Edwards acknowledged that he did not have cover when he moved back to the driver's side, but it did provide him with an appropriate back-stop. Edwards felt that his decision

to return to the driver's side was the most appropriate based on the totality of the circumstances. Edwards did not believe he placed himself in a worse position by relocating to the driver's side from the passenger side, citing back-stop issues and the difficulty of shooting over and through Williams' car if he did not relocate; however, Edwards did acknowledge that the best position for him would have been behind his police car utilizing cover and concealment, but he reiterated his reason for not choosing that option.

**Internal Affairs initiated its investigation to specifically address the areas of concern identified during the Response to Resistance Board.**

**Investigative Notes:** Internal Affairs reviewed the Zone 2 radio transmissions. The recordings have been made a part of this case file. A portion of the transmissions have been paraphrased and included in this report:

- 02:13:16 Edwards (D263) called in a traffic stop (10-50) at Arlington Expressway and Arlington Road.
- 02:13:27 Edwards announced the vehicle tag along with color, make and model, and number of occupants.
- 02:14:18 Edwards announced that everything was ok (10-77) and requested a backup officer (signal 35).
- 02:14:24 McCrea (D164) acknowledged the backup request.
- 02:15:45 Edwards requested rescue (10-67) and a police supervisor.
- 02:15:56 Short (D796) arrived in the area and asked Edwards where he was.
- 02:16:01 Edwards announced that he was on the Arlington Expressway Service Road.

The incident was video recorded (no audio) from a surveillance camera at a business across the street. The camera timer was approximately five minutes slow. The video is of poor quality due to the low light condition (night) and it is difficult to determine the movements of the officers due to the flashing emergency lights on Edwards' patrol car. The video showed Williams drive into a

parking area and Edwards pulled up behind Williams. A figure is seen moving between the cars for approximately one minute, and then McCrea's patrol car drove up, parking behind and perpendicular to Edwards' patrol car. Due to the lighting conditions it is not possible to discern between the two officers.

On May 15, 2013, at 3:10 p.m., Internal Affairs obtained a sworn recorded statement from Police Officer Wade S. McCrea #67430, at 501 E. Bay St. Detective Hughes was present.

McCrea confirmed that he was prepared for the response to Resistance Review Board and that he gave an accurate statement. McCrea recounted the incident of May 9, 2012. He was at a shopping plaza at 1000 Arlington Rd. He heard Edwards log out on a traffic stop. McCrea drove south to the Arlington Expressway Service Road. He turned west when he did not see Edwards. McCrea then saw the flashing emergency lights on Edwards' patrol car at the intersection of Rogero Rd. McCrea said it was common to have backup officers on traffic stops depending on manpower.

McCrea said he usually checks the vehicle tags on his computer prior to logging out on a traffic stop. He said he tries to plan ahead for the stop and to update his location with dispatch, but he also stated that he may not update his location if he is in the general vicinity of the announced traffic stop and believes his emergency lights are visible. McCrea acknowledged that updating location is important when working in a known high crime/drug area.

As McCrea approached the scene in his vehicle, he heard Edwards yell, "Show me your hands! Show me your hands!" McCrea believed the driver (Davinian Williams) was not being compliant with Edwards. As McCrea was "making the turn" onto Rogero Road, he heard at least four gun shots. McCrea parked perpendicular to Edwards' car as a position of cover, drew his firearm, and walked to the passenger side of Edwards' vehicle. McCrea saw that Edwards was standing and seemed to be okay. McCrea went to the rear of Williams' car. Edwards told McCrea, "[Williams] wouldn't show me his hands, he kept reaching for something." McCrea took a quick look inside the car,

but did not see anything. McCrea assumed that Williams had been shot. McCrea heard Edwards request rescue and a supervisor, who arrived one to two minutes later.

McCrea noticed that Williams was seated in the car, his face was turned to the left, and his right hand was moving slightly toward the front passenger seat. McCrea said he could not see both of Williams' hands. McCrea did not hear any sounds from Williams and did not see anything on the seat. Based on what he had seen and heard, McCrea backed to a better vantage point, held lethal cover over Williams, and waited for additional officers, as he believed there was still an unknown threat. McCrea said this was how he was taught at the training academy. McCrea stated neither he nor Edwards said anything to Williams, attempted to handcuff Williams, or checked Williams' pulse. McCrea denied hearing Edwards say anything else until Short arrived and took control of the scene.

**Investigative Note: Officer McCrea's sworn testimony to the Response to Resistance Board on February 12, 2013, was consistent with the information obtained in the sworn statement provided to Internal Affairs.**

**Investigative note: Sergeant Simon R. Robb #7393 is the Training Academy Firing Range Master. He was present at the Response to Resistance Review Board. He was interviewed by Internal Affairs in reference to use of force procedures. Robb was aware that there were no extenuating circumstances presented by Edwards such as knowledge of the subject, reason to believe that the subject had committed a crime or been violent, or been aggressively resistant to Edwards.**

Robb explained to the Response to Resistance Board that police recruits are taught when conducting traffic stops, violators often do not stop right away, and updating their location is necessary for officer safety purposes. Robb further explained that recruits are taught not to move between vehicles in order to avoid silhouetting themselves with the lights from the police car. Robb said training also addresses the fact that most citizens expect to be contacted by the police at their driver's door. He

explained officers that encounter a non-compliant driver and choose to leave the driver's side of the vehicle are "encouraged" not to return to the driver's door.

**On May 17, 2013, at 9:30 am, Internal Affairs obtained a sworn recorded statement from Police Sergeant Simon R. Robb #7393, at 4727 Lannie Rd. Detective Hughes was present.**

Robb said that Edwards testified that he did not see a threat during the traffic stop. Robb stated that certain discriminatory procedures need to take place such as attempting to identify what is in a subject's hands and taking steps to determine what an individual is actually doing. Robb stated that this does include a subject's demeanor.

Robb stated that in Edwards' situation there were two options. An officer could move to the driver's door, extricate the subject, and take the subject into custody in order to determine why the person is not complying with lawful commands. The other option was to back-up to a position of cover affording the officer the ability to see the subject, while giving the officer protection, should the situation escalate. Robb said those actions would be coordinated with available backup.

Robb stated that Edwards' move to the rear of William's car was appropriate and allowed Edwards to get a different perspective. Robb believed the subject's continued non-compliance should have heightened Edwards' awareness. Robb said Edwards' decision to draw his firearm was appropriate. Robb stated the ideal choice would have been to back-up and use his police car as a position of cover. Robb said Williams' behavior was out of the normal for a traffic stop which would justify Edwards keeping his weapon out and backing up to cover.

Robb believed Edwards' use of the tactical light was appropriate. Robb stated that Edwards had a duty to properly discriminate the target (identify what was in the subject's hands). The recommended course of action would be to move to a position of cover, wait for backup, and communicate with his supervisor.

Robb believed that Edwards' decision to use deadly force was not appropriate for the situation and an incorrect response. Robb believed that Edwards had time to make a more appropriate tactical decision. Since Williams remained inside the car, Edwards had time to move back. Robb stated that if the opportunity is available, an officer can give a warning in reference to the use of deadly force. Robb said in Edwards' testimony, Williams' back was to Edwards and Edwards was using lights. The correct command, as taught, is to say "Stop or I will shoot." Robb stated he believed that in Edwards' situation, a warning would have been appropriate.

**On May 21, 2013, at 6:45 p.m., Internal Affairs obtained a sworn recorded statement from Police Sergeant Clayton R. Short #6854, at 501 East Bay Street. Detective Hughes was present.**

**Investigative note: At the time of the incident, Short was serving in the capacity of Patrol Officer in Charge (P.I.C.) and since then has been promoted to the rank of Sergeant.**

On May 9, 2012, Short responded to the area of Edwards' traffic stop. On the way, Short heard Edwards request a supervisor and rescue. Short did not see Edwards at the location where he logged out. Short went toward a nearby apartment complex and did not see Edwards. Short asked for Edwards' location over the Zone 2 radio talk group. Short said, "It would be great to update our locations at all times." Short admitted that had he looked west, it may have been possible to see Edwards' flashing emergency lights, but Short went to a location where Edwards regularly worked. Short said officers try to predict where the traffic stop is going to occur.

Short commented that Edwards' use of the Ten Signal 10-67 (Rescue unit needed/Patient does not appear in acute distress) was not appropriate. He said, "[Edwards] definitely should have requested rescue 10-68 [Rescue unit needed/Patient appears in acute distress] there's no way around that." Short concurred that when rescue is requested the officer should provide the reason.

Having not been told why he was called to the scene, Short stated, "I thought [Edwards] tazed somebody." Short said he did not draw his firearm while walking toward Edwards. Short realized the car window was broken and that Edwards and McCrea were still covering the car with lethal presence (both officers' firearms were aimed at Williams). Short asked Edwards if he had discharged his firearm, which Edwards affirmed. Short said Edwards was not behind cover. Short told Edwards and McCrea to holster their firearms. Short decided that he and Ford would clear the car. Short was unsure about his next few actions. He recalled that he checked for a pulse on Williams' neck and looked under the front seat. Short believed the scene was secure. Short said he and Ford made the decision that there was no need to handcuff Williams. Short checked on Edwards' well-being and directed Edwards to sit down in a patrol car and other officers to man perimeter sites. Short said soon thereafter, Police Lieutenant C.R. Phelps #5425 arrived and took command of the scene. Short recalled that at some point Edwards made a spontaneous utterance to the effect of, "I thought I was going to die, thought he was reaching for a gun."

Short was asked several questions for perspective on the course of events. Short stated that during his career, in instances of a non-complaint subject and an unknown threat, he had not discharged his firearm. In reference to possible tactical options, Short said, "You can disengage, you can go hands on...if possible." Short clarified that he did not know Edwards' perspective as they had not spoken about the incident.

Short was asked what type of information would have been helpful prior to his arrival at the scene. Short said he would like to go to a scene with as much information as possible. He would like to have known that Edwards had discharged his firearm, that the suspect did not appear to be moving, and the updated location.

**Investigative Note: Sergeant Short's sworn testimony to the Response to Resistance Board on February 12, 2013, was consistent with the information obtained in the sworn statement provided to Internal Affairs.**

On May 23, 2013, at 5:55 p.m., Internal Affairs obtained a sworn recorded statement from Police Sergeant Charles H. Ford #6848, at 501 East Bay Street. Detective Hughes was present.

On May 9, 2012, Ford responded along with Short to 900 Rogero Rd. after Edwards requested a supervisor. Upon arrival, Ford did not observe an active incident, but he cautiously approached the passenger side of the car containing Williams. Ford did not believe that he drew his firearm, as lethal cover was being provided by McCrea. Ford stated, "Within 30-40 seconds of my arrival I realized that Edwards shot someone." Ford said he observed the hole in the car window and saw that Williams had suffered trauma. Ford checked Williams' clenched hand and also checked for a pulse on Williams' wrist. Ford said, based on his experience, he realized that there was nothing that could be done for Williams who had been shot several times.

Ford said, "information that [Edwards] had shot somebody" had not been relayed prior to Ford's arrival on scene. Ford stated, "Edwards probably should have said something, but [Edwards] did the appropriate thing" by requesting assistance. Ford had the opinion that Edwards and McCrea needed to "de-escalate." Ford did not talk to Edwards at the scene. Ford drove Edwards home. Ford said he told Edwards that they could not speak about the case. Ford advised Edwards about the follow-up process.

Ford was asked about Edwards not being at the location where he logged out. Ford said, "It happens a lot," that officers do not have time to provide the dispatcher with a current location. Ford said he went to Bert Rd. (east) and may not have looked left (west) where Edwards was stopped.

Ford said he would like to have known that someone had been shot prior to his arrival on scene. Ford did not believe that Edwards put himself in harm's way. When asked if Edwards could have given Williams a verbal warning, Ford said, "Could Officer Edwards have given a warning that he was going to use deadly force? It's feasible."

Ford was asked about an officer's options, Ford said, "He could have retreated, or he could call for assistance." Ford stated that he supports Edwards and believed Edwards, "did what he felt he had to do in the situation he was given." On the subject of policy violations, Ford said Edwards has, "some communications issues and some response to resistance issues." Ford was asked if police officers receive adequate training in these areas. He responded, "Adequate."

**Investigative Note: Sergeant Ford's sworn testimony to the Response to Resistance Board on February 12, 2013, was consistent with the information obtained in the sworn statement provided to Internal Affairs.**

On May 23, 2013, at 7:55 pm, Internal Affairs obtained a sworn recorded statement from Police Officer Joshua E. Wiggins #64380, at 9501 Arlington Expressway. Detective Hughes was present.

**Investigative Note: Officer Wiggins responded to Edwards' traffic stop on May 9, 2012. He did not testify at the Response to Resistance Hearing.**

Wiggins was assigned to the same shift as Edwards and McCrea. Wiggins heard Edwards announce a traffic stop. Wiggins said he was approximately two minutes away and drove north on Arlington Rd. from Atlantic Blvd. toward the location where Edwards logged out. Wiggins stopped at Arlington Rd. and Arlington Expressway. Service Rd. He looked around when he did not see Edwards. Wiggins saw flashing lights to the west; he turned, and went to the next intersection where Edwards was located. Wiggins said it would have been easier to find Edwards if his exact location had been announced. Wiggins estimated the delay caused by the inaccurate information was five to ten seconds. Wiggins said he usually updates his location as a matter of officer safety.

Upon arrival, Wiggins saw Edwards and McCrea with their guns drawn and pointed toward a car containing Williams. Wiggins said, "It wasn't announced over the radio that shots were fired." Wiggins said he did not know what was going on and at some point he also drew his firearm and approached the vehicle containing Williams.

Wiggins saw a shattered window and got information from Edwards that a shooting occurred. Wiggins stated that Edwards relayed that Williams had been reaching under his seat and that Edwards had given several loud verbal commands to show his hands but Williams refused. Wiggins did not believe Williams was a threat at the time Wiggins arrived, as he did not observe any movement from Williams; however, Wiggins stated that he could not see Williams' hands. Wiggins said, "I checked what I could without getting into the vehicle." Wiggins said he acted with caution because he did not know the circumstances of the shooting, but he did know that supervisors were on the way to the scene. Wiggins holstered his firearm when Short told McCrea to holster his firearm. Wiggins sat with Edwards in a patrol car and they spoke about each other's families.

Wiggins said he has performed high-risk traffic stops during his career, and explained the procedure as involving three to four officers, using loud verbal commands to get the people out of the vehicle and take them into custody. He indicated that in circumstances where subjects do not comply, verbal commands are given continually until the subject complies. Wiggins stated subjects eventually comply when they realize the show of force by the number of officers present. Wiggins stated that he would wait for back-up officers, evaluate cover, and possibly use a hands-on tactic if he had to approach a vehicle. Wiggins has been an officer for seven years and stated that he learned procedures for high-risk traffic stops in the training academy.

**On May 29, 2013, at 9:15 am, Internal Affairs obtained a sworn recorded statement from Police Lieutenant R.P. Buoye #5378, at 501 East Bay Street. Detective Hughes was present.**

**Investigative Note: Lieutenant Buoye was a member of the Response to Resistance Review Board on February 12, 2013.**

Buoye was Edwards' Watch Commander for several years in JSO patrol Zone 1. Buoye referred to Edwards as a "phenomenal police officer and a very good person." During the Response to Resistance Review Board, Buoye voted that Edwards acted within Sheriff's Office Written Directives. Buoye believed that Edwards did not violate

procedures, but that there was a “training issue.” Buoye denied that Edwards had any training issues during the time that he worked for Buoye, stating that Edwards was “stellar.” Buoye could not recall specifics, but indicated that the tactical issues were those discussed with Robb during the Board’s Review. Buoye said it was “cut-and-dry” as presented by Robb, that Edwards’ actions were not consistent with training. Buoye mentioned that he dissented from the Board on the matter of the safety procedure of providing an updated location during a traffic stop.

When asked if he believed that Edwards provided an adequate articulation of a threat Buoye said, “No, I don’t think he did. I can’t put myself in his shoes at that time; [Edwards] thought he was threatened, obviously.” Buoye said, “Did he articulate it? No, I [Buoye] wouldn’t have shot, but [Edwards] thought he had to.” Buoye was asked if there were tactical options. Buoye recognized that a “felony take-down” type procedure was an option, also “waiting on backup if you wanted to.” Buoye gave an anecdotal situation involving Edwards in the past where Edwards stopped a car and a gun was located. Buoye stated that Edwards called for backup, but approached the vehicle alone. Buoye said Edwards was named patrol officer of the year in JSO Patrol Zone 1.

Buoye was asked if, based on Edwards’ testimony, he believed Williams offered physical resistance to Edwards. Buoye stated “no,” adding that the level of resistance was “perceived” by Edwards. Buoye believed that the actions and inactions of Williams “hinked-up” Edwards. Buoye recognized that failure to obey verbal orders is considered passive resistance. Asked if Edwards had time to give a verbal warning before shooting, Buoye said, “yes.” Buoye did not believe that Edwards put himself in harm’s way stating, “You could retreat but we don’t have to retreat.” Finally, Buoye was asked if Edwards used the tools, PA System, training and tactical procedures available, Buoye responded, “Obviously not, no he didn’t.”

**Investigative Notes:**

**General Offense/Incident Supplemental report CCR 2012-344066 included the following information relevant to this investigation:**

- Jacksonville Fire and Rescue Captain J.S. Snyder pronounced Williams deceased.
- Williams drove a car loaned to him by a friend, Taneka Hinton. Hinton told police she was speaking to Williams on the phone at 2:11 am on May 9, 2013. Williams told her he had to hang-up because a police car was behind him.
- Witness, Xavier Castro, gave a recorded statement to Homicide Detective Warren Smith #5213. Castro saw Edwards slowly following a blue car. He assumed it was, "*just another traffic stop,*" and then he heard Edwards yelling, "*Let me see your hands!*" Castro heard several gunshots fired and saw another officer pull up. Castro claimed that the officers holstered their weapons, which is contrary to the all of the officers' statements. Castro believed that Williams did not have enough time to "*give-up.*" Castro said the events scared him and he contacted the news media. He apologized for not notifying police that he was a witness.
- Powder cocaine and crack cocaine were found in Williams' socks at the Office of the Medical Examiner. The autopsy report listed multiple gunshot wounds as the cause of death.
- The State Attorney Review concluded Edwards used justifiable force by a law enforcement officer per Florida Statutes, Chapters 776 and 782.

Internal Affairs conducted a site visit to 900 Rogero Rd. and Witness Castro's business on the south side of the Arlington Expressway. Service Rd. Castro's business is southwest of Rogero Rd. and separated by nine lanes of roadway and a low concrete barrier wall in the median.

Internal Affairs spoke with Police Lieutenant C.R. Phelps #5425. Phelps was not formally interviewed for this investigation as he said all of his information about Edwards' actions came from Short and Ford. Phelps said his conversation with Edwards involved Edwards' well-being and protocols related to an officer involved shooting.

Internal Affairs reviewed the 2008 Law Enforcement Basic Recruit Training Program manual for traffic stop procedures. The procedures taught were consistent with current Sheriff's Office Written Directives for unknown risk and high risk traffic stops.

On June 3, 2013, at 3:25 pm, Internal Affairs obtained a sworn recorded statement from Police Officer Jeffrey S. Edwards #69430, at 501 E. Bay St. Detective Hughes, Police Lieutenant S.G. Gallaher #6296, and attorney Tad Delegal were present.

Edwards had military experience and worked for several corporations before joining the Sheriff's Office in 2008. He attended the Regional Criminal Justice Training Academy. He took several advanced courses such as Radar Operator, Active Shooter, and Hostage Negotiator. Edwards had been in the Patrol East Division for approximately three years and by his estimate, conducted at least one traffic stop per shift. He had been assigned to Zone 2 for ten months prior to May 9, 2012. Edwards did not know Williams and was not familiar with the vehicle Williams was driving.

Edwards acknowledged that he prepared for the Response to Resistance Review Board and provided accurate and truthful information to the Board. Edwards had assistance from the FOP when he wrote his statement regarding his use of force incident on May 9, 2012. Edwards stated that during the traffic stop things escalated to the point where the driver's actions led Edwards to believe that the driver had a weapon and wanted to harm him. Edwards believed he may not have conveyed the incident well enough to the Response to Resistance Board. Edwards said he did not think the Board wanted to listen to his answers. Edwards cited that the State Attorney agreed with his actions. Edwards disagreed with the Board's findings that he violated Sheriff's Office Written Directives. He pointed out that one Board member noted only training recommendations.

Edwards contested the allegation that he used deadly force against passive resistance. Edwards implied that he did not rely solely on Williams' failure to obey

verbal commands, which Edwards understood is not considered active physical resistance. Edwards stated that he understands passive resistance as actions such as ignoring an officer's commands or refusing to move. Edwards stated that in his incident, Williams escalated the resistance to active physical resistance. Edwards believed that Williams made attempts to evade control and became increasingly animated in his actions, which are defined as active physical resistance. Edwards believed the Board did not consider the totality of the circumstances.

Edwards believed it was an important fact that Williams drove in a careless manner out of a known drug and crime area where there had recently been a drug related shooting. Edwards observed two traffic violations and he logged out on a traffic stop of Williams' vehicle over the Zone 2 talk group. Edwards could see that Williams was "doing something," and gave examples that Williams "might be hiding something - drugs or beer." Edwards said he had "no cause to be alarmed," but realized he might have more than a traffic stop so he requested backup.

Edwards walked to the rear of Williams' car, but decided not to approach, instead Edwards said, "I bellowed out - show me your hands, show me your hands!" Edwards reasoning was, "If I'm safe, he's safe, everyone's safe." Edwards saw Williams look into the side view mirror and squint. Edwards noted that he aimed his emergency lights correctly for officer safety, to make it difficult for the driver to find Edwards' position. Edwards again gave directions for Williams to show his hands. Edwards saw the fingertips of Williams' left hand on the window sill of the driver's door. Edwards gave the instructions again and Williams' hand retreated back into the car. Edwards was surprised that Williams had not shown his hands and was not sure what Williams was doing. Edwards said he gave loud, clear commands. Edwards recalled prior experiences where, "people were trying to find their wallet or if they were trying to hide something, it would have been done really quick." Edwards added that people normally comply the first time they hear an officer tell them to show their hands. Edwards gave a different command, ordering Williams to put his hands on top of the steering wheel. Edwards said he did this, "to help [Williams] out." Edwards did not see Williams' hands. Edwards saw Williams' right shoulder dipping as if he was reaching for something on

the floorboard. Edwards considered that Williams dropped some sort of contraband and may have been trying to "flick it under the seat." Edwards did not get compliance from Williams.

Edwards decided to relocate to the other side of the vehicle to see what Williams was doing. Williams still had not complied and appeared to be actively trying to find or search for something, but Edwards was not able to see the floorboard. Edwards gave Williams one more opportunity to become compliant by giving him more commands; however, Williams did not comply.

While Williams was facing the floor, Edwards moved to the passenger side of Williams' vehicle. Edwards was positive that Williams had not seen the movement. When asked about the officer safety issue of being silhouetted by the lights when crossing between the two vehicles, Edwards said that "per the training," officers are not required to go around the rear of their vehicles to avoid being silhouetted by car lights. Additionally, Edwards said it was irrelevant, as Williams was facing the floor during the move and he knew that Williams' vehicle was in park. Asked why he did not return to his car at this point, Edwards replied, "We hadn't gotten to the point that there was an officer safety concern." Edwards listed the issues as Williams being non-compliant and doing something odd. Edwards stated, "It hasn't hit me to the point that there is a threat against me; a threat against anybody else. That hasn't occurred yet, so retreating back to my vehicle wouldn't make sense." Edwards stated, "All I was trying to do this whole time was gain [Williams'] compliance." Williams sat upright then leaned forward to view his driver's side mirror. Edwards observed that Williams appeared to be holding something in his groin area. At that point Edwards believed Williams was concealing a weapon, but he did not know for sure. Edwards thought about an officer involved shooting that he had heard about while at the training academy, where the subject was holding a gun waiting to ambush the officer. Edwards thought to himself, "This is not good." He believed Williams had retrieved a gun. Edwards saw that Williams had not put his hands on the steering wheel. Edwards said, "It hit me, something is not right here." Edwards believed Williams was "lying in wait to ambush me."

Edwards now described Williams as a potential threat. Edwards said Williams was “kinda tensed up looking out the driver’s side mirror.” Edwards drew his firearm, directed his firearm at Williams, activated his tactical light, and confirmed that Williams was still non-compliant. Edwards again yelled, “Grip the top of the steering wheel, don’t let go!” Edwards said that Williams immediately turned his head in Edwards’ direction. Edwards was asked if he gave Williams a warning about using deadly force. Edwards replied, “All I’m trying to do is get him to comply with me so that we can move forward with the [traffic] stop.” He believed there was a potential threat, but “things had not escalated to the point where I was going to pull the trigger....it didn’t even go through my mind” to give a warning to Williams. Edwards declared that he did not feel a threat to his life at that moment and had no intent to discharge his weapon. Edwards said there was, “No need” to issue a deadly force warning to Williams as it was not appropriate at that time. Edwards claimed, “I didn’t believe I was going to have to pull the trigger that second.” Edwards was certain that Williams knew the reason for the traffic stop and was therefore intentionally resisting an officer without violence.

**Note:** When asked again about presenting a deadly force warning to Williams, Edwards stated, “I believe I should, if feasible. At the time I deemed to use deadly force, for me it was not feasible to give him a warning.”

Edwards said he had the perception that Williams was hiding something and trying to determine Edwards’ position. He saw Williams lean forward then lean back on the seat and put his left hand on the “door frame” (window sill of the driver’s door), just above the interior door handle. Edwards believed Williams was going to come out of the car with whatever he had concealed in his lap and engage Edwards. Edwards described Williams’ action as bracing on the door frame (window sill of driver’s door) as a precursor to exiting the car and attacking Edwards. Edwards thought that he was not in a good position as the back stop was Arlington Expressway. Edwards said Williams was “giving me the indicators, he’s physically posting himself up, concealing something in his lap area; he is making that final decision.” Edwards considered two options, he could retreat to his vehicle for cover or he could relocate to the driver’s side. Edwards

did not go to his car, because he did not want to be walking backwards in the event he needed to use deadly force and it would leave him out in the open. Edwards perceived that Williams was "getting prepped, he's getting poised to come out of the car and engage me, and I believed he was going to do it any second." When asked why he did not issue a deadly force warning at that moment, Edwards said he concentrated on "observing" and "orienting" and was focused on where he was going to reposition himself. Edwards said he was making "split second moment decisions" trying to decide where else he could go. Edwards conceded that he could have moved back, but as previously stated, he knew that he was not required to retreat.

Edwards was asked what caused his perception of the movements Williams made in the car, to change from possibly hiding contraband to retrieving a weapon. Edwards said time was a factor. He had not experienced somebody hiding multiple types of drugs and paraphernalia. Edwards believed Williams' prolonged movements were to retrieve a firearm

Edwards believed his best option was to move back to the rear driver's side of Williams' car, Edwards believed this would give him the tactical advantage as Williams would believe that Edwards was still on the passenger side. Edwards commented that when he was on the passenger side, "It would have been great if I could have retreated to my vehicle for cover, waited for back-up, I would have loved to take him [Williams] out of the vehicle in that manner." On the other hand, Edwards said he could not approach Williams' car door (presumably to use physical control techniques to extract Williams) because of Williams' suspicious actions in the car. Edwards said he made decisions based on his training. Edwards emphasized that Williams was still actively moving around in the vehicle and Edwards perceived that Williams retrieved a weapon. Edwards held out expectation that Williams would become compliant at some point.

Edwards said that when he relocated back to the driver's side, he expected the driver's door to "pop open" and to be attacked by Williams. When that did not happen, Edwards figured, "He's not going to fight me." Edwards moved forward cautiously along the driver's side of the vehicle, activated the tactical light on his firearm and saw that

Williams' hands were not on the steering wheel. Williams turned and looked over his shoulder directly at Edwards. Edwards said, "I try to bellow out to him to grip the steering wheel, don't let go, and no sooner than I'm behind him, I'm looking at him he's bladed, he dips down real quick." Edwards feared his life was in danger and discharged his firearm seven times. On the last shot, he saw Williams' right hand for the first time. Edwards saw that there was no weapon in Williams' hands.

Internal Affairs asked Edwards to explain why he did not use the opportunity to give a deadly force warning when he told Williams to "grip the steering wheel" just prior to discharging his firearm. Edwards said his focus had been on trying to get compliance from Williams. Edwards stated, "When it came to the point that I felt I had to pull the trigger, I felt if I speak instead of pulling the trigger, [Williams] would have gotten a round off at me." Edwards also said, "Now, could I have said it when I told him 'put your hands on top of the steering wheel' yes, but at that point in time, I didn't think I was going to be using deadly force."

Internal Affairs asked Edwards to explain why he thought Williams was lunging down to the floorboard to retrieve a gun when Edwards already said that he believed Williams had the gun in his hand, hidden in his lap. Edwards said that Williams "could have been trying to maintain a little cover for himself" by utilizing the back of the driver's seat or as Williams "dipped," he could have been turning and pivoting in order to fire over his left shoulder at Edwards.

Edwards denied that he was harmed by Williams, but took Williams' actions as a threat. Edwards said he was not happy about taking a life over drugs and guessed that perhaps Williams did not want to go back to prison. Edwards felt he gave Williams numerous opportunities to comply with lawful commands.

Edwards was asked if he believed Williams knew that Edwards had his gun drawn. Edwards stated that it was possible because at one point Williams looked directly at Edwards.

Edwards was asked about his knowledge of any crime problems at Arlingwood Apartments. Edwards had heard from officers about a drug related shooting at the complex, no police were involved. Edwards stated that he has heard other officers talk about drug problems at the complex.

Edwards realized he had not updated his location until Short asked for it. Edwards stated that his JSO training helped him deal with the events of May 9, 2012. Edwards recalled his high risk traffic stop training and firearms training when he was a police recruit. He also recalled the "Below 100" training that stresses "awareness" and that "complacency kills." Edwards claimed that he kept up to date on the Sheriff's Office Written Directives and all of his equipment was in good working order.

**Investigative Note: Officer Edwards' written statement to the Cold Case Detectives and sworn testimony to the Response to Resistance Board on February 12, 2013, was consistent with the information obtained in the sworn statement provided to Internal Affairs.**

#### **FACTULAR PARTICULARS**

1. On May 9, 2012, at 2:13 am, Police Officer Edwards #66790 was on-duty and working in Zone 2. He was on patrol around the Arlingwood Apartments on Bert Rd., a complex he had been informed that was a high crime/drug area. He observed two moving traffic violations and logged out on a traffic stop of a vehicle driven by Davinian Williams at Arlington Rd. and the Arlington Expressway. Service Rd.
2. Williams did not immediately stop; he drove west on the service road, turned north at the next intersection, and stopped at 900 Rogero Rd. Edwards gave possible reasons why Williams did not stop such as being nervous, hiding something, choosing a location to flee, or wanting to stop at a more comfortable spot.

3. Edwards did not update his location to the final stopping point. He was focused on Williams, and stated he was only 900 hundred yards away and believed his flashing emergency lights could be seen from a distance. P.I.C. Short #6854 and Police Sergeant Ford #6848 were initially unable to locate Edwards. Police Officer Wiggins #64380 estimated the incorrect location delayed him five to ten seconds. Police Officer McCrea #67430 believed it was important to update location in a high crime/drug area.
4. Edwards angled his spotlight at the driver's side mirror, exited his marked patrol car, and saw the car rocking side to side with Williams moving around in the driver's seat. Law enforcement officers are trained to expect some amount of movement inside a vehicle. Edwards believed Williams was looking for his wallet, or hiding drugs or beer. At 2:14 am Edwards announced over the Zone 2 talk group that his situation was under control and he requested backup. McCrea acknowledged the request.
5. Edwards was not immediately concerned for his safety, but believed Williams' movement did not afford Edwards an opportunity to perform the initial driver contact of greeting, introduction, explaining the reason for the traffic stop, etc. Instead he gave loud, lawful, verbal commands for Williams to, *"Show me your hands! Show me your hands!"* several times. Williams did not comply, but in between commands he seemingly responded by squinting in the driver's side mirror and looking to the passenger side.
6. Williams' movements continued, he put his left hand on the window sill of the driver's door, and then retracted it. He leaned forward with his right shoulder dipped down. Edwards wondered if Williams was possibly retrieving a wallet. Edwards gave specific directions several times, *"Put your hands on top of the steering wheel!"* and moved closer to Williams' car, but Williams did not comply and Williams' head was down, leaning forward, and he appeared to be actively looking for something on the floorboard. Edwards was perplexed that Williams

continued to evade and ignore him. Police Sergeant Robb #7393 stated that Williams' continued incompletion should have heightened Edwards' awareness.

7. Edwards moved to the rear passenger side of Williams' car and saw that Williams still had not complied. Edwards stated that Williams continued to be incompletion and was doing something odd, but it had not become an officer safety concern. In Edwards' three years as an officer he had never experienced this type of incompletion to his verbal commands.
8. Edwards continued to give commands for Williams to show his hands and/or put them on the steering wheel. Williams kept moving around, leaning back, and hiding his hands in his lap. Edwards became alarmed for his safety and concerned something was wrong. Williams used the car mirrors to look around for Edwards. Edwards believed Williams was retrieving a weapon with the intent to ambush him. Edwards now described Williams as a potential threat. Edwards drew his handgun, acquired a sight picture, and activated the tactical light. He shouted, "*Grip the top of the steering wheel and do not let go!*" Robb judged this action to be appropriate for Edwards' situation.
9. Edwards told the Response to Resistance Board, the moment he determined Williams purposely had his hands hidden and was actively looking in his mirrors to ascertain Edwards' position; every part of him was "screaming out" that Williams had a gun and was going to kill him. Edwards said he deduced this from academy training and a "sense" that this was the pivotal point for him. He believed that there was a clear imminent threat against his life and that Williams had retrieved a weapon from the floorboard and was waiting to attack and kill him.
10. During the Internal Affairs interview, Edwards reiterated the statement he gave to the Response to Resistance Board about his observations of Williams while on the passenger side. In addition to the testimony, he explained why he did not issue a deadly force warning when he drew his firearm. Edwards told Internal

Affairs that he did not feel a threat to his life at that moment, and had no intent to discharge his weapon. Edwards said there was, "No need" to issue a deadly force warning to Williams as it was not appropriate at that time. Edwards claimed, "I didn't believe I was going to have to pull the trigger that second." Edwards was certain that Williams knew the reason for the traffic stop and was therefore intentionally resisting an officer without violence.

11. Williams looked into the tactical light and the driver's side mirror, presumably checking for other officers. Edwards continued to give the command, "*Grip the top of the steering wheel and do not let go!*" Williams leaned forward, glanced at Edwards, leaned back, and posted his left hand near the driver's side window by the door handle. Edwards perceived this to indicate that a gun battle was about to ensue. He knew that a backup officer was on the way. He had a sight picture on Williams and was concerned that his backstop was Arlington Expressway. When asked why he did not issue a deadly force warning at that moment, Edwards said he concentrated on "observing" and "orienting" and was focused on where he was going to reposition himself. Edwards said he was making "split second moment decisions" trying to decide where else he could go. Edwards conceded that he could have moved back, but as previously stated, he knew that he was not required to retreat.

12. During the Response to Resistance Hearing, Edwards speculated that when Williams put his hand on the driver's door above the interior door handle that might have been the moment Williams placed his wallet on the car window sill. Edwards did not see Williams' wallet the night of the incident.

13. Edwards issued another command for Williams to display his hands, to no avail. Edwards now assumed that Williams had a weapon, but Edwards was not sure. Edwards got the sense that something was wrong. Edwards feared he was going to be ambushed by Williams and decided to relocate back to the driver's side of Williams' vehicle.

14. At no time did Edwards warn Williams that he would be shot if he continued to resist lawful commands. Edwards was asked about giving such a warning, he stated, "I believe I should, if feasible. At the time I deemed to use deadly force, for me it was not feasible to give him a warning." Robb stated that because of the lights shined at Williams and Edwards' position behind Williams, it would have been appropriate to warn Williams of the possible use of deadly force. Ford believed it was feasible for Edwards to give a warning. Police Lieutenant Buoye said Edwards had time to give a warning.
15. Edwards relocated to the driver's side and believed Williams was committed to shooting him, but nothing happened. Edwards looked in the car again, but Williams' hands were not on the steering wheel. Edwards acquired a sight picture and activated his tactical light. Edwards bellowed out loud commands for Williams to put his hands on the steering wheel. Williams looked towards Edwards' light, "bladed" (turned) his body toward Edwards and lowered his shoulder, Williams made a sudden motion, dipping down to the floorboard which caused Edwards to fear for his life as he perceived that Williams retrieved a gun and was going to shoot him. Edwards said "That was the first and only time he quickly lunged for anything" and reiterated that he thought Williams was going to shoot him.
16. Edwards feared for his life. He discharged his handgun seven times, resulting in a fatality. Williams reacted at the seventh shot, exposing his hands. Edwards observed that Williams' hands were empty. Police Officer McCrea and civilian witness Xavier Castro heard Edwards' final verbal commands to Williams. McCrea and Castro also heard Edwards' gunshots.
17. Robb said Edwards' articulation of a threat was inadequate. Adding Edwards had no visible threat identified, and no supporting information or facts about Williams. Robb believed Edwards could have attempted to identify the threat.

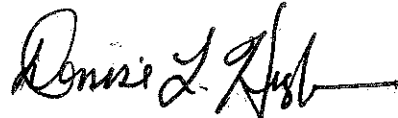
Buoye stated that Edwards did not articulate a threat and the threat was what Edwards perceived.

18. Edwards said he did not take a position of cover/concealment and wait for his backup because he believed Williams was going to engage him with a gun and that retreating to his car for cover would leave him walking backwards and in the open. He acknowledged that the best position would have been behind his patrol car. Even though he did not have cover, Edwards did not believe he put himself in harm's way.
19. Edwards said, "Retreating didn't make sense," explaining that backing up would have exposed him to possible attack, therefore he decided to return to the driver's side of Williams' car. Robb did not believe this was a viable option as Edwards did not have any backup. Robb indicated that Edwards' movement between Williams' car and the patrol car offered the same exposure.
20. Edwards said it was more of a tactical advantage for him to move to the driver's side of Williams' car. Short said Edwards had the options of disengaging or going "hands on." Buoye believed Edwards should have waited on backup and performed a variation of a high risk traffic stop. Ford said Edwards had the option to retreat and call for assistance.
21. At 2:15 am Edwards requested rescue "10-67" (patient not in acute distress) and a supervisor. He did not provide his updated location or a description of Williams' condition. At 2:16 am Short inquired over the Zone 2 talk group about Edwards' location. Edwards then gave a description of his location. Short said Edwards should have requested rescue "10-68" (patient in acute distress) and provided injury information. Rescue arrived at the scene and Williams' death was confirmed. Marijuana and drug paraphernalia were seen in the car after the events occurred. Powder cocaine and crack cocaine were found in Williams' socks by the Medical Examiner.

22. Edwards stated that his decision to use deadly force was based on the totality of circumstances he was dealing with at the time, namely that Williams was coming from a high crime/drug area, committed several traffic violations, evaded control by repeatedly not complying with lawful commands, escalated the situation by acting suspiciously, reaching on the floorboard to retrieve or hide an unknown object, and became increasingly “animated” by “blading” his body and “tensing.”
23. Edwards did not know Williams’ history and was not familiar with the car Williams was driving. Edwards did not have any knowledge or suspicion that Williams had committed a crime or been violent. Edwards did not see a threat, and no weapon was found. Williams made no statements to threaten harm to Edwards. Williams evaded Edwards’ commands, but made no overt action toward Edwards.
24. Edwards gave fairly consistent statements to the Cold Case Detectives, the Response to Resistance Board, and Internal Affairs. He disagreed with the Response to Resistance Board’s findings and believed the Board did not listen to him. He pointed out that the State Attorney Review concluded Edwards used justifiable force by a law enforcement officer per Florida Statutes. Edwards believed that he acted within Sheriff’s Office Written Directives.

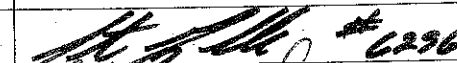
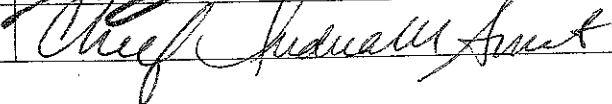
*"Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true based upon my personal knowledge, information and belief." "I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes."*

Respectfully Submitted,



Detective D. L. Hughes #7091

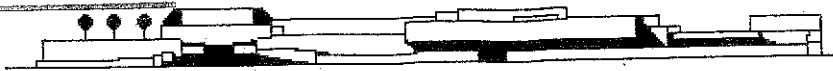
June 14, 2013

Internal Affairs Inter-Office Review		
	Signature	Date
Sergeant		
Lieutenant		06-24-13
Chief		06-26-13

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**OFFICE OF THE SHERIFF**  
CONSOLIDATED CITY OF JACKSONVILLE

09-16-13



INTRADEPARTMENT CORRESPONDENCE

TO: Internal Affairs  
FROM: Sheriff John H. Rutherford  
SUBJECT: RTR case # 2012-16

DATE: 8-9-13

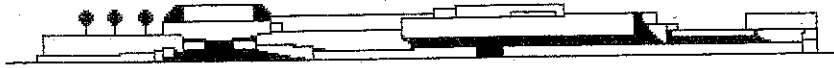
I have reviewed the Response to Resistance incident involving Officer J.S. Edwards #66790 that was investigated by Internal Affairs. After reviewing the facts of this case, I find that Officer Edwards violated provisions of our Written Directives that deal with Traffic Stops and Response to Resistance.

Officer Edwards was on routine patrol when he observed the driver commit two traffic violations and initiated a traffic stop on the vehicle. The driver continued driving approximately 900 feet to the next intersection where he pulled the vehicle into a parking lot and stopped. Officer Edwards proceeded with the traffic stop; however, he did not update the dispatcher with his final stopping point. Had he done so, the responding back-up officer would have had an accurate location to which he could have promptly responded. As Edwards made his initial approach on the driver's side of the vehicle, he said he observed the driver moving around which caused him some concern, but he thought the driver was either hiding something or retrieving his wallet. Edwards radioed for backup, but still did not update his location. Officer McCrea immediately acknowledged that he was responding to assist. Edwards had a minimum of two opportunities to update his location prior to making contact with the driver. Had he updated his location, it is possible that McCrea and the other responding units could have arrived prior to Edwards firing his shots, which could have possibly changed the outcome of the entire incident.

Edwards said he did not attempt to greet the driver, identify himself, or request to see required documents as stated in policy. Instead, Edwards said he repeatedly ordered the driver to show his hands. Edwards said the driver's actions were non-compliant as he kept looking and reaching down on the floorboard. Edwards said the driver never afforded him the opportunity to initiate routine violator contact. Edwards never saw a weapon and the driver never threatened him.

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## INTRADEPARTMENT CORRESPONDENCE

Officer Edwards relocated to the passenger side of the vehicle and continued to give repeated commands for the driver to show his hands or put his hands on the steering wheel. Edwards said the driver hid his hands in his lap and believed the driver had armed himself with a gun, and that a gun battle was about to ensue. Edwards said he had his firearm drawn with a clear sight picture. Edwards described how the driver placed his left hand on the window sill of the driver's door; Edwards interpreted that motion as a precursor to the driver opening the door and attacking. However, the investigation revealed that it was at that particular moment where the suspect was most likely demonstrating some form of compliance by placing his wallet and identification card on the edge of the door. Edwards did not see the wallet as he had already determined in his mind that the suspect was committed to ambushing him with a handgun. Using the standard of a reasonable officer under the same circumstances, one would have to expect that a deadly force warning should have been given, rather than giving another command for the driver to show his hands, which is what Edwards did. Jacksonville Sheriff's Office policy requires officers to give some warning of the possible use of deadly force if feasible. The internal investigation revealed it was feasible and reasonable at that moment to do so. Instead, Edwards moved to the driver's side of the vehicle; leaving a defensible position to go to an indefensible position.

After returning to the driver's side where Edwards believed the driver was committed to shooting him, nothing happened. Edwards moved forward to see if the driver complied. When he saw that the driver had not, Edwards said he acquired a site picture and chose to give the driver another command to put his hands on the steering wheel, instead of giving him a deadly force warning, which under the circumstances would have been feasible. Edwards said the driver then turned his body, looked over his left shoulder at Edwards, and lowered his right shoulder toward the floorboard. Edwards said the driver then made a sudden movement toward the floorboard as if he were retrieving a gun and was going to shoot him. Edwards discharged his firearm seven times, striking the driver six times. McCrea arrived and heard Edwards give the driver the command to show his hands and heard the shots being fired before he could exit his vehicle.

The State Attorney's Office determined Edwards' use of deadly force in this case was justifiable pursuant to Florida Statutes, Chapters 776 and 782.02,

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## INTRADEPARTMENT CORRESPONDENCE

the Florida Standard Jury Instructions, and applicable case law. Although the State Attorney's Office determined that Edwards' actions did not rise to the level of criminal conduct, Edwards' use of deadly force had similarities to the actions of the officer involved in *Young v. City of Killeen Texas* (775 F. 2d 1349). In that case, the Court ruled that Olson acted negligently and contrary to good police procedure in multiple respects, including 1) the failure to use a back-up unit and 2) the abandonment of a covered position and advancement into the open, where the odds of overreacting would be greater. The judge concluded that Olson's fault in this respect not only placed Olson in a position of greater danger but also imperiled Young by creating a situation where a fatal error was likely.

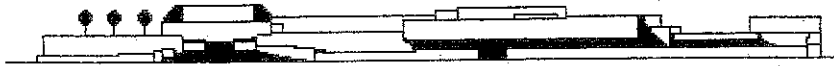
Officer Edwards' abandonment of a cover position and advancement towards the driver's door clearly increased the odds of overreacting to any sudden movements by Williams. Officer Edwards clearly chose this tactical option over other more reasonable, safer options. Officer Edwards' fault in this respect not only placed him in a position of greater danger but also imperiled Williams by creating a situation where a fatal error was likely. This decision by Officer Edwards was negligent and contrary to good police procedure.

With a backup officer on the way, Edwards said that he had two choices: he could relocate to the rear of his patrol vehicle or he could relocate back to the driver's side. Edwards said relocating to the rear of his vehicle would have left him walking backwards and in the open; therefore, he chose to move back to the driver's side—a location where he had no cover or concealment—and placed himself in the position where he felt he had no choice but to use deadly force. Edwards did not see a weapon nor did he convey any articulable threat that would have justified the use of deadly force in this situation. Reasonable options available to Edwards at the time included 1) the taking of a position of cover and concealment behind his patrol vehicle, and/or 2) maintaining his position until backup officers arrived at the scene to assist him in taking the suspect into custody. Edwards did not exercise either of these appropriate options, but instead implemented the use of deadly force without justification.

Jacksonville Sheriff's Office policy requires officers to use reasonable caution to avoid unnecessarily endangering the lives of others when discharging their firearms. In this situation, Officer Edwards shot an unarmed individual who

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never demonstrated an articulable threat. Using the standard of a reasonable officer under the same circumstances, one would have to expect that the use of deadly force should not have been applied. Reasonableness dictates that if Edwards did not see a weapon, and the driver's only actions were moving about in the vehicle and not placing his hands where they could be seen, Edwards should not have discharged his firearm.

Based on the above, I find there is sufficient evidence to prove that Officer J.S. Edwards was in violation of the provisions of **Operational Order 15.06.06 (Traffic Stops), Article III. A. 1-6.**, to wit;

### **III. Violator Contact**

**A. Once an officer makes an observation and is certain a violation has occurred, the violator will be stopped and the officer should:**

- 1. Use a tactical approach to the violator, alert, but calm;**
- 2. Greet the violator in a courteous manner and identify himself. Inform them of the nature of the stop and explain the violation;**
- 3. Ask the violator to place the vehicle in park;**
- 4. Politely request to see the violator's driver license, vehicle registration, and proof of insurance;**
- 5. The officer should take action appropriate to the seriousness of the offense; and**
- 6. Observe the violator for physical impairment, emotional distress, and alcohol and/or drug abuse.**

I find that Officer Edwards' use of deadly force does not meet the criteria as outlined in **GENERAL ORDER LXXII.1 (Response to Resistance), Article V,A,1; Article V,(NOTE); and Article V,B,3.**, to wit;

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### V. Deadly Force Policy

A. **Deadly Force** – the use of deadly force is acceptable only under the following circumstances:

1. Officers may use deadly force when the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to themselves or another person;

And;

### V. Deadly Force Policy

**NOTE:** If feasible, prior to the use of deadly force, officers shall, give some warning of the possible use of deadly force, unless to do so would jeopardize the safety of the officer or any other person.

And;

### V. Deadly Force Policy

B. The following additional restrictions apply to the use of deadly force:

3. Officers will not needlessly place themselves or remain in situations of great danger and use this as justification for the use of deadly force. If confronted by a moving vehicle, officers will move out of its path, if possible, rather than firing at the vehicle;

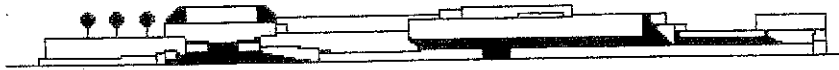
I find that Officer Edwards' use of deadly force does not meet the criteria as outlined in **GENERAL ORDER LXXII.1 (Response to Resistance) Article I, B.**, to wit;

### I. Policy

B. It is the policy of the Jacksonville Sheriff's Office (JSO) to allow officers to use only that degree of force which is reasonable and

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necessary to effect an arrest or to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to use force at any level must be based upon state and federal laws and the circumstances that the officers reasonably believed to exist at that time.

Based on the above, I find there is sufficient evidence to prove that Officer J.S. Edwards was in violation of the provisions of **General Order XI.18 (Code of Conduct), Article IV. A. 3. and 4.,** to wit;

### IV. Performance of Duty

A. Members shall maintain sufficient competence to perform their duties properly and to assume the responsibilities of their positions. They shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in *carrying* out the functions and objectives of the Sheriff's Office. Incompetency may be demonstrated by:

3. The failure to conform to work standards established for the member's rank, grade or position;
4. Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention;

Therefore the charge of Violation of the **RESPONSE TO RESISTANCE POLICY**, the charge of **UNNECESSARY FORCE**, and the charge of **FAILURE TO CONFORM TO WORK STANDARDS** against Police Officer J.S. Edwards #66790, will be classified as **SUSTAINED**.

As a result of these charges, Officer Edwards will be TERMINATED.